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ABSTRACT

In every advanced culture, there exists some kind of understanding between a profession and the people it serves. In the case of mass communication, such an understanding is for the most part an informal compact whose terms are understood more or less tacitly. As the terms of this agreement are renegotiated from time to time--disagreements recognized, issues aired, disputes resolved--leaders involved in implementing this compact between the mass media and the public make a continuing effort to articulate effectively their understanding of the compact. This dynamic dialogue concerning media-public interrelationships seems to have four aspects: (1) attempts of the media to define their responsibilities to the public, (2) society's attempt to define the media's responsibilities to the public, (3) attempts by the media to define the public's responsibilities to the media, and (4) society's attempt to define the public's responsibilities to the media. This concept of journalistic covenant and its four aspects offers new approaches to research on the mass media, to perspectives of teaching journalism at the university level, and to the successful integration of instruction in communication law and ethics. (RL)

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MASS COMM PACT: THE CONCEPT OF CONVENANT BETWEEN MEDIA AND PUBLIC

A New Approach to the Integration of Study and Research Concerning Opinions on Mass Communications

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"We are in need

Of a reaffirmation

Of the social contract

Among people,

Government,

And the Media."

Senator J. William Fulbright

In every advanced culture, there exists some kind of understanding between a profession and the people it professes to serve.[1]

Sometimes that understanding is expressed in formal terms, with the agreement or compact implemented through elaborate legal mechanisms--licensing, public control over education for the profession, government boards of review, etc.[2]

More often, however, and in the case of mass communication especially, the understanding is for the most part an informal one--its terms understood more or less tacitly, with only a few written into actual statute.[3]

Such an understanding, agreement, social contract, compact, or covenant[4] is no less real, however, because it is informal and dynamic, rather than static and formalized.

Regardless of its character, some sort of understanding is necessary, and develops inevitably. It is inescapable, but at the same time of immeasurable benefit to both profession and public.

Now, what kind of compact or covenant does our system of mass communication have with today's society?

An extensive one exists, naturally, despite the fact that its terms must be abstracted from public opinion polls, scattered statutes, attitude surveys, diversified codes of professional conduct, varying rules of law, "free enterprise" business procedures, practices of government agencies and frustratingly vague definitions of public policy by spokespersons for the "public" carrying diverse degrees of authority.

Whether any conscious effort is made to direct the development of such a compact or covenant, and to integrate its provisions as they are evolved, one

always emerges as both profession and public act to adjust and adapt themselves to one another, to arrive at an accommodation permitting the profession to practice its science or art in a style most beneficial to society as a whole.

In effect, the media of mass communication have achieved such a compact, or covenant, with the general public. In return for the things considered necessary, for professional practice, security, and profit, today's media promise to perform certain services. In return for those essential services, the public pledges to provide the media certain things--the requisite freedom, access to public information, and even modest economic subsidies from time to time. Most important of all, of course, our society provides the protection of the First amendment to the United States constitution.

Discussing freedom of the press generally, an editor of the New York Times once called attention to "an implicit and unwritten compact" existing between the media and modern society.

"I think there is a tendency on the part of newspapers..." John Oakes observed, "to use the slogan 'freedom of the press' to cover a wide variety of sins from the most blatant kinds of sensationalism to the most vicious examples of partisanship.

"I think the term has been debased by misuse," Oakes remarked. "The First Amendment to the constitution means, it seems to me, not merely that publishers have a right to publish (though it means that, too) but more particularly that the people have a right to know. Therefore, I link the responsibility of the press to freedom of the press.

"'Freedom of the press' has, I think, a corollary. It imposes on us the responsibility of trying--within the inevitable limitations of fallible human beings--to do our part honestly and with conviction, in the spirit of public service more than of private enterprise or personal glory. Unless we recognize

this responsibility and obligation, I do not think we--as newspapermen, publishers, editors, editorial writers, reporters, deskmen, photographers--are in a very good position to cry 'freedom of the press.'"

Continuing, Oakes then pointed out that:

> The constitution guaranteed us that freedom as part of an implicit and unwritten compact; and our part of that compact is to report and to edit and to comment on the news--as a great newspaperman once wrote--"without fear or favor, regardless of party, sect or interest involved."[5]

Inevitably, of course, the profession and its public disagree from time to time on details of the accommodation. Constantly, therefore, the arrangement is in a process of change--being renegotiated, in a sense.[6]

As terms of the agreement are renegotiated from time to time--disagreements recognized, issues aired, disputes resolved, and tensions relieved (temporarily, at least)--leaders involved in implementing the compact or covenant between a profession and its public make a continuing effort to articulate their understanding of it more effectively.[7]

As such efforts are made, it becomes obvious that the agreement or covenant--let's call it Mass Comm Pact--like any agreement between any two parties to any kind of contract, has four aspects.

Each of the two parties--the media of mass communication and society's general public, in this case--has its own conception of obligations under the agreement. Like the signer of any agreement or contract, each party has its particular idea of ITS obligations, on the one hand, and the OTHER PARTY'S obligations, on the other. Mass Comm Pact, therefore, has these four aspects:

1. The attempt of the media to define their responsibilities to the public.
2. Society's attempt to define the media's responsibilities to the public.

3. The media's attempt to define the public's responsibilities to the media.

4. Society's attempt to define the public's responsibilities to the media of mass communication.

(A schematic representation of the theoretical construct resulting from the preceding analysis is shown in the paradym in Diagram A on the following page.)

The preceding analysis and framework provided by the concept of Mass Comm Pact gives the teacher of mass communications a helpful perspective for integrating his or her instruction in numerous journalism courses, and the researcher a helpful guide in his or her organization of inquiry.

Although the concept of "Journalistic Covenant" has been used more than 10 years in the teaching of communications law and ethics--at Temple university, Northern Illinois university and Northwestern university's Medill school of journalism--the use of concepts like covenant or compact are still rare in education for journalism.[8]

With the concept of covenant being recognized increasingly, as a promising tool of research and analysis, we need to look more closely at its potential for more perceptive approaches to the improvement of journalism education.

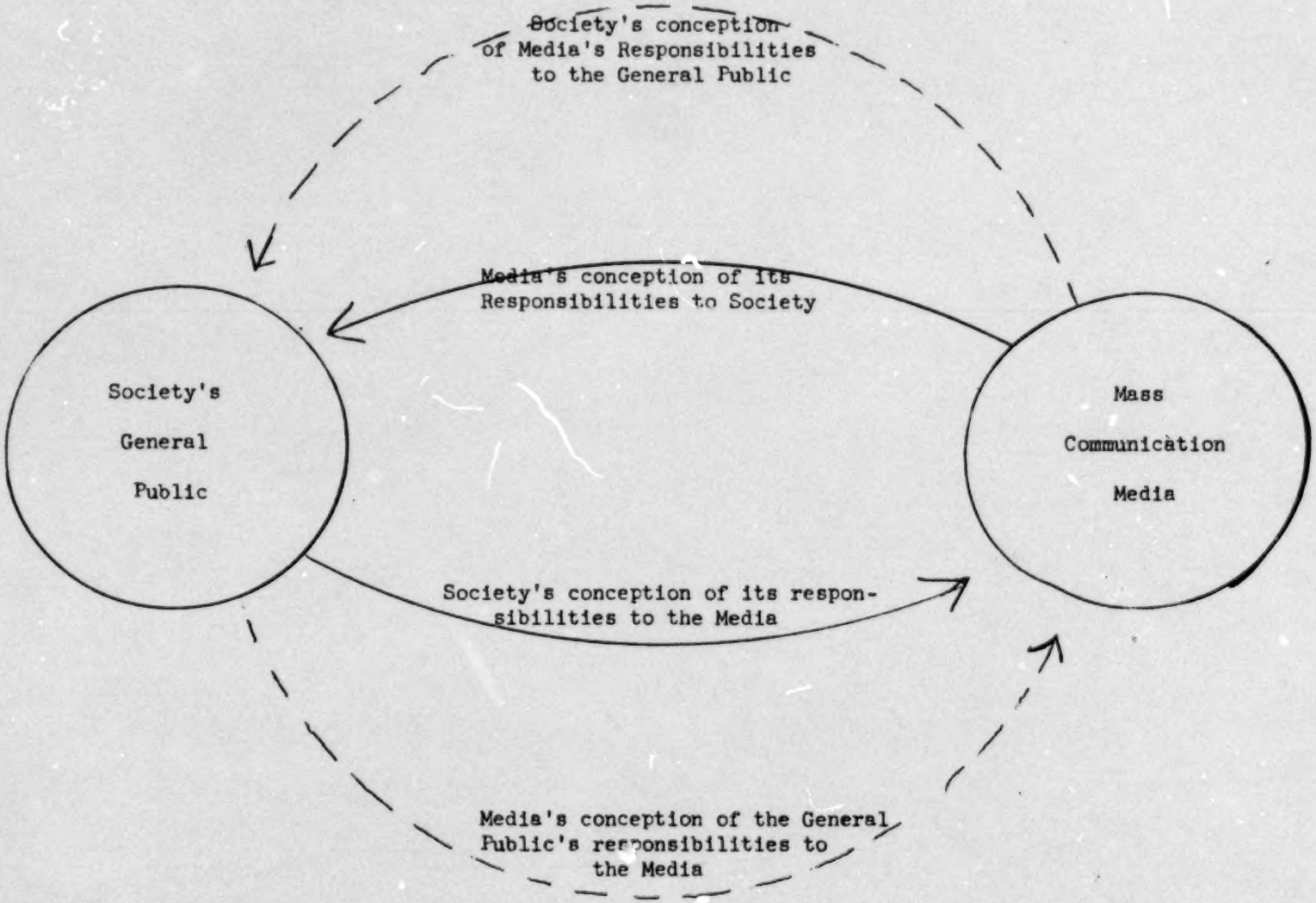
Jewish scholars, familiar with the concept of covenant from the Mosaic covenant's influence on the development of religion in Israel and upon the literature of that faith, have brought their sensitivity toward the concept's potential into social science recently.

A workshop on "Covenant and Politics," centered on the interests of political scientists, was held in November 1979 in Philadelphia, under the auspices of Temple University's Center for the Study of Federalism.[9]

THEORETICAL MODEL FOR CONCEPTUALIZATION OF PUBLIC/PROFESSION

RELATIONSHIPS COMPRISING MASS COMM PACT

DIAGRAM A


Society's conception of Media's Responsibilities to the General Public
Media's conception of its Responsibilities to Society
Society's General Public
Mass Communication Media
Society's conception of its responsibilities to the Media
Media's conception of the General Public's responsibilities to the Media

The program produced a "Working Bibliography on Covenant," compiled by John Kincaid, that traced the presence of covenant as an organizing principle from Biblical to modern times.[10] Included in the literature of covenant, in numerous languages besides English, are theologians, historians, sociologists, anthropoligists, political scientists, and other researchers.

In addition to providing a new way to integrate instruction in communications law and ethics, the concept of journalistic covenant--Mass Comm Pact--offers new approaches to the interpretation of media history[11] and suggests insightful perspectives that can be incorporated into university level journalism courses as diverse as mass communications and society, the reporting of public affairs, professional ethics, criticism of media performance, "Broadcasting in America," principles and practices in public relations, "The American Magazine," communication theory, media management, government and the media, "The Sociology of Journalism," advertising topics, and international communication.

Since the concept of Journalistic Covenant (Mass Comm Pact) has been used many years in the teaching of Communications Law and Ethics, that course is a readily available example. Let's look, therefore, at how the concept serves to integrate instruction in that field of intellectual inquiry.

It is difficult to teach media law, obviously, without discussing morality and ethics. For, as one chief justice of the United States once observed: "Law floats in a sea of ethics."

Despite that, however, professors of journalism or mass communications often find themselves at a loss to integrate these two aspects of normative theory as smoothly as they would like. The covenant concept helps, and can add adventure to the task, in many ways.

In order to appreciate the heuristic capabilities of Mass Comm Pact most fully, as the concept relates to communications law and ethics, let's examine each aspect of the compact in turn.

The media's attempt to articulate their responsibilities.

Under this part of Mass Comm Pact, codes of ethics and standards of performance developed by organizations throughout the field of mass communications can be studied in their most meaningful context. Such materials include, of course, UNESCO's International Code of Ethics for communications media, the "Canons of journalism," of the American Society of Newspaper Editors, the Code of Broadcast News Ethics, the Declaration of Principles of the Public Relations Society of America, the Code of Ethics of the Society of Professional Journalists/Sigma Delta Chi, the radio and television codes of the National Association of Broadcasters, the code of ethics of the National Press Photographers Association, the code of ethics of the Magazine Publishers Association, and many additional ones.[12]

Especially instructive is a review of Professor Edward Gerald's study of journalistic codes around the world.[13] In that study, Gerald discovered these principles most common to such codes:

1. Accuracy in reporting. There must be no willful distortion of news and no suppression.
2. There must be separation of news and comment.
3. Comment or criticism must be written in a constructive spirit to serve the public interest; the critic must avoid calumny
4. A journalist must respect confidences.
5. A journalist must keep faith with the public: When published information is found to be harmful or inaccurate, it should be rectified immediately.
6. If charges against reputation or moral character are made, opportunity should be given for reply.
7. Plagiarism is denounced as is the acceptance of payment calculated to influence a journalist's writing.

Comparing the preceding principles to principles developed in communications law provides special insight into the relationship between that law and ethics.

Society's attempt to articulate the media's responsibilities.

Under this aspect of Mass Comm Pact, we find enacted law, of course. In addition, however, we find many extra-legal statements of social sanction like the reports of the Hutchins Commission[14] and the Twentieth Century Fund Task Force of more recent time.[15] There is, also, the media coverage complaint committee of the National News Council[16] and its standards for judging press performance, the standards developed for state and local press councils,[17] and many additional attempts by Americans to articulate a public policy toward mass communications and to criticize the media responsibly.

The "Requirements" of the Hutchins Commission provide an unusually provocative aid in comparison of official sanctions in the law and formal articulation of journalistic duty.

Codes of professional ethics and standards of conduct are noble pronouncements--more than just the rhetoric of good intentions, presumably.

But what happens when such high principles are not implemented in practice, when certain representatives of a profession refuse or fail to carry out their pledges, to keep the profession's promise to the public it professes to serve?

The sensitive relationship between public opinion and freedom of the press--the negotiable aspect of Mass Comm Pact, that is--is overlooked, often, in our teaching of journalism. For, as Vermont Royster once reminded us, "it cannot be said too often" that "freedom of the press is not some immutable right handed down to Moses on Mt. Sinai. It is a political right granted by the people in a political document, and what the people grant they can, if they ever choose, take away."[18]

The elemental rationale for such regulation exists in our basic philosophy of law, of course, but a more specific rationale has been developed in

the concept of journalistic accountability which was articulated by the Commission on Freedom of the Press a generation ago, and which underlies most laws limiting journalistic liberties.

"The press must...be accountable," the Hutchins Commission asserted. "It must be accountable to society for meeting public need and for maintaining the rights of citizens and the almost forgotten rights of speakers who have no press. It must know that its faults and errors have ceased to be private vagaries and have become public dangers. The voice of the press, so far as by a drift toward monopoly it tends to become exclusive in its wisdom and observation, deprives other voices of a hearing and the public of their contribution. Freedom of press for the coming period can only continue to be an accountable freedom. Its moral right will be conditioned on its acceptance of this responsibility. Its legal right will stand unaltered as its moral duty is performed.[19]

In simple terms, the preceding observation of the Hutchins Commission can be seen to reduce itself to this: If the press doesn't perform satisfactorily, voluntarily, then the people will exercise their power to force it to do so.

It's amusing, of course, that such statements are always made in future tense. Because the people have been exercising their power to regulate the press ever since it was invented.

Lacking a very well-integrated philosophy about the press and its function, or formal statement of its overall responsibility, the public has acted more or less haphazardly, attempting to resolve each issue as it has arisen.

The result of such haphazard action is an assortment of legal precedents, statutes, etc., differing in many ways from state to state and subject to diverse interpretation and application. Despite differences in application and interpretation, some of the principles have developed real stability, however.

An example is the libel law, which has persisted through many years, and is widely accepted by both journalists and the public generally.

For the most part, however, our conception of journalism's overall responsibilities to the public continues to be a shadowy and tentative thing.

Because the Commission on Freedom of the Press made such a studied effort to determine the people's consensus and develop it into the integrated philosophy which has been missing in our approach to regulation of the press, the 1948 report of the Hutchins Commission is of peculiar interest.[20]

As a result of its disciplined effort to articulate our common understanding of journalism's responsibilities to the public, the commission developed five "requirements" for a free and responsible press.

The First Requirement, the Hutchins Commission said, is "a truthful, comprehensive, and intelligent account of the day's events in a context which gives them meaning...that the media should be accurate. They should not lie..."[21]

The commission's first "requirement" might be called the media of mass communication's highest responsibility. It is the media's obligation to the truth itself--to the news. There must be no distortion of the news. Or suppression.

That "requirement" squares nicely with the profession's own concept of ethical conduct. One of the most obvious characteristic of codes of ethics in journalism is their insistence upon truthful, accurate reporting of the news.

For many years before any organized approach like that of the Hutchins Commission was taken to defining journalism's responsibilities to the public, the defenses of truth and "fair and accurate report" had been developed in the libel law.

The second requirement of the Hutchins Commission was that the media provide a public forum for the exchange of comment and criticism.[22]

In articulating that part of Mass Comm Pact, the commission appeared to make a significant departure from old libertarian ideas concerned with freedom of the press. Under libertarian theory, units of the press constituted the contestants in the arena, along with other citizens exercising their freedom of speech as individuals.

Now, however, the ~~press is~~ media are seen as responsible for <u>providing</u> the arena. They are no longer just participants in the debate, even though they engage in it through their editorial function. They are now responsible for arranging the debate, providing the arena, and facilitating it, as "common carriers" of mass communication.

To insure that the public discourse remains civilized, the public imposes upon the media and others the obligation of "fair comment and criticism" developed through the libel law. Also, it imposes the "fairness doctrine" and related regulations of the Federal Communications Act and commission upon the broadcast journalist.

<u>The third requirement</u> of the Hutchins Commission is that the profession's service include "the projection of a representative picture of the constituent groups in the society."[23] Again, previous attempts to impose legal obligations upon journalists had been made--through criminal libel and group defamation laws, in the case of this principle.

In the context of today, we could call this "requirement" the public's concept of journalism's obligation to the dissenter, or a minority.

<u>The fourth requirement</u> of the Hutchins Commission, which could be called journalism's obligation to "The System" or "The Establishment," is that the profession's service include "the presentation and clarification of the goals and values of the society."[24]

Related to this principle, in society's attempt to define the responsibilities of mass communication, is the concept of "broadcasting in the public interest" implemented in the FCC's regulation.

Expressing related ideas of press responsibility, but from the negative position, are laws designed to suppress obscenity, as a threat to public morals, and publications advocating treason, incitement to riot, or other acts defined as criminal.

The fifth requirement of the Hutchins Commission is that the profession of journalism provide the individual citizen "full access to the day's intelligence"--a variety and range of intelligence fulfilling each citizen's need.[25]

Representing a relatively new concept, and one subject to criticism as tending to impose upon the media an obligation to be everything to everybody, this "requirement" has found articulation in no law which regulates the media except for the "broadcasting in the public interest" provision of the FCC.

"The five requirements...suggest what our society is entitled to demand of its press," the Hutchins Commission observed, giving impetus to the development of covenant theory, in criticism of the media.

The media's attempt to define the public's responsibilities.

Sometimes in response to criticism like that of the Hutchin's Commission, and at other times in the special pursuit of its own special interest, the media of mass communication have attempted to articulate more effectively their conception of the general public's responsibility.

When journalism was seen as a simple exercise in civil liberty, back in the golden age of classic libertarian theory, the press demanded nothing more than its freedom--the freedom to publish, without prior restraint or censorship.

If the public is to hold the press responsible for more than just speaking an editor's mind, while refraining from such obvious offenses against the

rights of others as naked libel, then it must provide whatever the press needs to perform its responsibilities as a "responsible" or "responsive" disseminator of public information.

Ever since the Hutchins Commission presented its report, the response of the press has been concentrated for the most part on efforts to obtain easier access to information concerning the operations of government and the activities of public officials.[26]

Under concepts communicated through such slogans as "The People's Right to Know," and "Freedom of Information," the press has taken the initiative, during recent years, in seeking renegotiation of the terms of its covenant with society.[27]

Attempting to spell out more precisely their perception of the public's responsibilities, the media of mass communication have drafted model "open meeting" and "public record" laws proposed by law-makers and now adopted by many state legislatures and the Congress of the United States.[28]

More and more journalists every year appear inclined to press such demands for easier access to information on the basis of claim that they are extra-legal or unofficial representatives of the public, carrying some sort of proxy which entitles them to the desired information. In a sense, of course, all the media of mass communication do represent the public, but in the case of most journalists it is obviously an extra-legal function or status.

In imposing certain "responsibilities" upon the media, of course, the public in a sense legitimizes the media's claim to represent it. Paradoxically, however, the print media--and even the broadcast media, upon occasion--assert that they are, and must be, free of government control or regulation.

In the press system developed in this country, the journalist is generally a self-selected practitioner of his profession--elected in no fashion, and appointed by no one responsible to the people except through the capitalistic

sanctions of the marketplace. Increasingly, even the market exerts minimal control over a journalist, since in more and more instances he represents a monopoly newspaper.

The power exercised by a newspaper publisher and his staff, and other media of mass communication, is a power of censorship and propaganda purchased in the marketplace. It is a power put up for re-purchase periodically, and in most cases sold to the highest bidder. Those are the facts of journalistic life faced by a newsperson representing either the "establishment" press or the amateur or "underground" press. The "establishment" press can claim to represent a larger proportion of the public--the people, generally, perhaps--but its claim is still compromised by a total absence of formal ratification or mandate from the people.

Despite the extra-legal nature of its status as a public functionary, however, the profession of journalism's "Crusade" on behalf of the "People's Right to Know" has resulted in the enactment of numerous public information laws.[29]

In its continuing effort to define the public's responsibilities to the media of mass communication, in response to the increased emphasis on "social responsibility," the profession has now moved into another area of activity.

That new area has developed around the ethic of professional secrecy, which journalists have practiced for many years, but which is not recognized formally, by law, in some states.

Although no unanimity exists among journalists on this issue, the general consensus appears to be that the public has a responsibility to facilitate the news reporter's work in every way possible, so he can carry out the responsibilities imposed upon him by other aspects of the journalistic covenant.

Because of the essential public service performed by news media, some media spokespersons are now arguing that the public has a legitimate interest in their economic security, and even a responsibility to promote their

economic health. In an effort to define that kind of obligation more precisely, newspaper publishers devised the Failing Newspaper Act, under which certain operations of newspapers are exempted from certain provisions of the anti-trust laws. In previous legislation related to this aspect of the journalistic covenant, newspapers have sought--and received--exemption from sales taxes, exemption from certain child labor restrictions, special postal rates, reduced telegraph rates, etc.

In addition to special consideration of their financial problems news media operators also appear to expect special consideration or privileges to facilitate their reporting of news.

Such privileges as permission to park an automobile in a restricted area, having one's traffic ticket "fixed," enjoying preferential seating arrangements--perhaps even a press table--at legislative and judicial functions, passage through fire department or fire lines, elaborate press box accommodations at public recreation events, and press rooms in public buildings are justified, some journalists believe, because the journalist represents the general public, and is carrying out responsibilities imposed upon him by that public, rather than exercising his civil liberty as an individual.

Under classic libertarian theory, of course, the newsman or any other journalist would be entitled to no more consideration than any other citizen. But as the libertarian concept of press freedom has given way to the theory of social responsibility in this country, we have moved more and more positively toward trying to articulate the public's responsibility, as well as the media's.

On a theoretical level, one newspaper editor has observed that the public's obligation to the media should include sophisticated readership and intelligent criticism. Only a reader who brings a reasonable amount of background and intelligence to the reading of his newspaper is meeting his responsibilities to the news, Arville Schaleben has observed.[30]

Society's attempt to define the public's responsibilities to the media.

Most important of all, obviously, is the public's attempt to articulate its responsibilities to the media of mass communication, is the First amendment to the U.S. constitution.

"Congress shall make no law..." our Bill of Rights provides, "abridging the freedom of speech, or of the press."

And, as every American schoolboy knows, that cherished protection of the federal constitution has been extended to the states through the Fourteenth amendment, ratified in 1868 and applied to state legislation shortly after the turn of this century.

Freedom from "abridgement" constitutes only a starting point, however, in attempting to articulate this aspect of the Mass Comm Pact.

Perhaps mere freedom from prior restraint upon publication, which appears to have been the real objective of the First amendment, was sufficient in an age in which journalism was seen as a simple exercise in civil liberty.

As the people have demanded more and more "responsible" services from its media of mass communication, however, they have acknowledged that they have a corresponding responsibility toward the media.

Mere respect for the journalist's right to publish without prior restraint is not enough, the public concedes today, and the development of that aspect of the Mass Comm Pact is reflected in numerous statutes giving the newsman freer access to public records, opening public meetings, augmenting his professional secrecy, protecting the news media from unfair competition, exempting publishers from certain anti-trust laws, subsidizing the distribution of mass communications, and doing other things to facilitate the function of the media.

In response to the media of mass communication's demand for easier access to information about the activities of government, law-makers in recent years

have passed numerous statutes designed to better express and implement public policy toward society's obligation to those responsible for the gathering and reporting of news. In passing such statutes, law-makers appear to be endorsing the argument that a journalist is a legitimate--though unofficial and extra-legal--representative of the public.

The continuing campaign for convenient access to public information has opened up a Pandora's box of minor issues involving logistical problems. How much expenditure of public funds is justified in hiring public information officers to assist the media in obtaining news, in printing and distributing such information, in notifying the news media of meetings and hearings, in providing physical facilities for the use of the media, in transporting newspeople from place to place, etc.?

What percentage of a public official's time belongs to the news media--or can be commandeered by newsmen, fairly--under the terms of Mass Comm Pact?

In attempting to define its responsibilities to the media more precisely, the public has done much more than arrange easier access to public information and guarantee the media's right to publish free from prior restraint.

Special dispensation for invading the individual citizen's privacy, and for a reasonable amount of error in reporting on matters of public interest are given the media through the concept of news. If a matter is judged to be news, then those involved are required to endure damage to their reputation or "invasion" of their privacy, upon occasion.

Translating into formal terms an idea that the public has an obligation to extend the journalist a special privilege expanding his own right of privacy, some states have passed "shield law" making certain journalists immune from prosecution for failure to disclose sources of confidential information. This is one of today's most controversial aspects of Mass Comm Pact, however, since

some states still have refused to pass "shield" laws. Many citizens do not consider the journalist's claim to government-insured professional secrecy a legitimate part of the covenant. Obviously, that part of the agreement remains in a process of negotiation.

In the process of constant renegotiation, of course, is the public's obligation to subsidize the distribution of mass media and the communication processes associated with their operation. For many years, the postal service has carried newspapers and other periodicals at a special reduced rate, under second class mail permits. For many years, the FCC gave preferential rates to newspapers and wire services in transmitting news.

To protect news services, newspapers and other news media from piracy, the courts have applied the principle of unfair competition and issued injunctions against piracy. Copyright laws protect journalists, as well as other authors, although they also can be seen as a part of the public's attempt to define the responsibilities of the media.

In attempting to define its responsibilities to the media, the public also has enacted many additional laws designed to facilitate operation of the media. In a case involving a union's attempt to force newspapers to accept a controversial advertisement, in fact, the plaintiff argued that the newspapers should be forced to accept the ad under the concept of "state action," because the government of Illinois had involved itself in the operation of the newspapers by (a) granting newspapers special tax exemptions and privileges not enjoyed by other citizens or other business enterprises, (b) guaranteeing income to and making the legal system dependent upon newspapers by requiring publication of legal notices in newspapers, and (c) aiding these particular newspapers by permitting their sale from newsstands located on public streets while denying such sales by competitors.

One could, conceivably, look upon the establishment of a school of journalism at a public university as part of the public's attempt to define its responsibilities toward the media of mass communication more effectively. Also, courses on the media of mass communication in public high schools could be seen in a similar light.

Summary

In many ways, as can be seen, our society's system of mass communication and the public it professes to serve agree on the terms of Mass Comm Pact--inevitably, of course, since the media are products of our social system, and the media that are most successful in a capitalistic system and exert the most influence on public affairs are those that articulate the people's ideals, and reflect public opinion, most faithfully.

Because of the special interests of a profession, however, there can never be total agreement on all four aspects of any agreement between the general public and the media of mass communication. For there inevitably will be occasional conflicts between the interests of the profession and the public interest generally.

Therefore, the terms of Mass Comm Pact can never be spelled out in minute detail, because the covenant must remain--always--a dynamic force driving the profession toward a higher and higher level of achievement meriting greater and greater support from an approving public.[31]

The dynamic character of the covenant can be emphasized, in the teaching of mass communication, through reference to statements like the following by William Fulbright:

> We are in need of re-affirmation of the social contract among people, government, and the media.[32]

From the preceding illustration of how the concept of Mass Comm Pact or "Journalistic Covenant" provides helpful perspectives and insight for the better integration of instruction in mass communications law and ethics, it appears to offer a promising new approach to study and research in the greater field of Mass Communications and Society as an academic discipline.[33]

Moreover, it offers exciting possibilities for interdisciplinary work with the political scientists and other social scientists who are now using the concept of convenant as an analytic tool in studies related to public opinion or public policy.

#

NOTES

1. Ross, Ralph G. Obligation: a Social Theory. (Ann Arbor, Mich.:University of Michigan Press, 1970).

2. Backman, Jules (ed). Social Responsibility and Accountability. (New York: New York University Press, 1975.)

3. Taylor, John F. A. The Masks of Society: an Inquiry Into the Covenants of Civilization. (New York:Appleton -Century-Crofts, 1966.)

4. In today's scholarly explorations of concepts like covenant, compact and contract in social science, the three terms are frequently intermixed or inter-changed. "To some extent, the intermixture is unavoidable," Daniel J. Elazar explains, "since most humans do not use terms with precision, and can probably never be totally overcome. But for certain purposes, the sharpening of distinctions is necessary. I draw two sets of distinctions. One is the distinction between public and private. Contract, as it were, refers essentially to the private dimension, at least in its English use. Of course, Rousseau talks about the contract, using the term in a public sense. But in English, contracts are generally means of regulating private relationships, whereas convenants and compacts are designed for publics. Contract is a phenomenon of private law; covenant and compact are phenomena of public law. However, we can also draw a distinction between covenant and compact. The concept of covenant, in its heart of hearts, refers to a situation where a moral force, traditionally God, is either a direct party to or a guarantor of a particular relationship. Whereas, when the term compact is used, a moral force is only indirectly involved. In other words, compact is a secular phenomenon." For the purposes of this inquiry, either term appears appropriate, with preference depending more or less on how much emphasis one wishes to give the "Sovereign People" concept or the idea that "the voice of the people is the voice of God." See Prospectus: Workshop on Covenant and Politics," (Temple University, Center for the Study of Federalism, Philadelphia, November 1979) p. 66.

5. Edward J. Drummond (ed). Social Responsibility of the News-Press (Milaukee: Marquette University, College of Journalism, 1962) p. 35.

6. An instructive example of this social phenomenon on the local level, and its dynamic character, is given by Howard Long in his book Main Street Militants (Carbondale, Ill.:Southern Illinois University Press, 1977). Of one of the newspaper editors discussed in the book, the author says that Tom Gish "has intuitively negotiated, with his readers, a subtle, unspoken agreement in which each allows the other to speak his mind... Gish's editorial genius is in striking this bargain with his readers while at the same time maintaining, unquestioned, his independence as arbiter of what to print." pp. 80-81.

7. Recent examples of these efforts, and their dynamic nature, are the "Accountability and Responsibility in North American Communications Systems: Future Perspectives" seminar at the University of Windsor, in Canada, and the First Amendment "Congresses" sponsored by news media associations in the United States. In the latter meetings, especially, efforts were made to involve representatives of the "general public" in the formal articulation of opinions and attitudes toward issues affecting the media.

8. A cursory examination of Mass Communications and Society textbooks used in the United States, in the spring of 1981, failed to disclose any use of compact or covenant as a concept for the exploration of mass media's relationship to the general public or public attitudes toward the media and their performance. Media performance and its evaluation is a common topic, however, in those textbooks.

9. See the prospectus for the "Workshop on Covenant and Politics" (November 1979) available from the Center for the Study of Federalism at Temple University.

10. Kincaid, John. (Philadelphia: Temple University, Center for the Study of Federalism, 1978).

11. The need for new approaches to the interpretation of media history was one of the principal subjects of discussion at a regional colloquim of communication scholars last fall at the University of Arkansas at Little Rock.

12. See Joseph P. McKerns, "Media Ethics: a Bibliographical Essay," Journalism History, Volume 5, Number 2 (Summer 1978) pp. 50-53, 68 and Clifford G. Christians, "Codes of Ethics and Accountability" a paper presented to the qualitative studies division, Association for Education in Journalism, August 1979, at Houston, Texas.

13. Press Councils and Press Codes. (Zurich:International Press Institute, 1966). For further perspectives on comparative ethics, see J. Clement Jones, Mass Media Codes of Ethics and Councils. (Paris:United Nations Educational and Scientific and Cultural Organization, 1980; and Jean-Maurice-Hermann, "The International Ethics of Journalists" Considerations Feb. 27, 1978, pp. 9-12.

14. Commission on Freedom of the Press. A Free and Responsible Press. (Chicago:University of Chicago Press, 1947).

15. Twentieth Century Fund. A Free and Responsive Press. (Westbury, New York: The Twentieth Century Fund, 1973)

16. Decisions of the National News Council are reported, regularly, in special sections published in issues of the Columbia Journalism Review, in annual reports of the Council entitled In the Public Interest, through news releases issued by the Council and through other media.

17. See William L. Rivers, William B. Blankenburg, Kenneth Starck and Earl Reeves, Backtalk: Press Councils in America. (San Francisco:Canfield Press, 1972)

18. "On the Freedom and Responsibility of the Press," Policy Review, Summer 1979, p. 6.

19. A Free and Responsible Press, pp. 18-19.

20. See, for example, Jerilyn McIntyre, "The Hutchins Commission's Search for a Moral Framework." Journalism History, Vol. 6, No. 2 (Summer 1979) pp. 54-57.

21. See A Free and Responsible Press, pp. 21-22.

22. Ibid, pp. 23-24.

23. Ibid, pp. 26-27.

24. Ibil, pp. 27-28.

25. Ibid, pp. 28-29.

26. For a comprehensive review of this movement's interesting background, see Harold L. Cross, The People's Right to Know. (New York:Columbia University Press, 1953)

27. The history of this movement is reflected, generally, in the periodical FOI Digest and other publications of the University of Missouri School of Journalism's Freedom of Information Center.

28. Especially active, in those efforts, has been the Society of Professional Journalists/Sigma Delta Chi.

29. See, for account of most recent activity, the 1980 report of the national Freedom of Information Committee of the Society of Professional Journalists/ Sigma Delta Chi.

30. "The News and You," pp. 77-96 in David Yost (ed) The Citizen and the News. (Milwaukee:Marquette University Press, 1962)

31. See Glen O. Robinson, Communications for Tomorrow: Policy Perspectives for the 1980s. (New York:Praeger Publishers, 1978)

32. "Fulbright and the Press," Columbia Journalism Review, November-December, 1975, p. 44.

33. One of the most interesting explorations of public attitudes toward the press, incidentally, was a journalistic inquiry several years ago among journalism students at the University of Nevada. Under the title "Twenty-One Students: Journalism and Society," the inquiry was reported in Seminar March 1972, pp. 27-35.